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UNCLAS SAN JOSE 002751

SIPDIS

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SUBJECT: Child Abduction Update- Kaitlyn Bravo

1. Summary. AmCit Kaitlyn Bravo was abducted in 2002 by her father and taken to Costa Rica. The father turned Kaitlyn over to a local caretaker, who now seeks legal custody. A Consular visit on 17 November was unsuccessful, and it appears the caretaker acted deliberately to deny access. The Consular Section continues to work with local authorities to gain the return of Kaitlyn to her AmCit mother. End Summary.

2. Kaitlyn Leslie Frances Bravo (PDOB: CA 04Jul2001) is the daughter of AmCits Luis Bravo and Crystal Holman. On May 10, 2002, Bravo forcibly took Kaitlyn from Holman, and soon thereafter father and daughter arrived in Costa Rica, where Bravo has distant family ties. Holman filed a police report on the abduction, but was unaware of Kaitlyn's whereabouts until six months later when Bravo contacted her, requesting money. The Department of State and post were unaware of the parental child abduction until March 2003.

3. In September 2002, Bravo turned Kaitlyn over to a caretaker, Maria Isabel LIZANO Barrantes, while he attempted to sort out numerous personal and financial problems. Lizano resides near San Isidro, a rural community about four hours south of San Jose. Bravo departed Costa Rica in April 2005, and is presently incarcerated by the state of California on charges predating the 2002 abduction of Kaitlyn.

4. Lizano has initiated legal steps seeking custody of Kaitlyn Bravo, based on abandonment by the father; at one time Bravo signed a document turning Kaitlyn over to Lizano on a temporary basis. Subsequently, Bravo made statements to a social worker alleging Holman's unfitness as a parent. We, in support of Ms. Holman, have argued that the mother at no time abandoned the daughter. Kaitlyn was abducted from Ms. Holman, who had legal custody (while Holman obtained a court order granting custody, Oklahoma law grants automatic custody to the mother when the child is born out of wedlock). Her "unfitness" is based on statements made by Mr. Bravo, who continues to believe he will someday gain legal custody of Kaitlyn. Ms. Holman recently underwent a home study in Oklahoma, which affirmed her fitness as a parent and her ability and willingness to support Kaitlyn. We have the home study and are assisting with a translation for presentation to the courts (the translation Ms. Holman obtained in Oklahoma is of poor quality and would not be of assistance in a Costa Rican court). FYI. While Costa Rica has ratified the Hague Convention on Parental Child Abduction, the U.S. does not recognize the ratification based on the absence of implementing legislation and overall non-compliance.

5. Post makes periodic visits to Kaitlyn Bravo, accompanied by representatives of PANI (El Patronato de la Infancia - National Child Welfare Agency). On November 17, a scheduled visit went awry - although Lizano agreed to the visit, there was no one at home, and a neighbor (who turned out to be Lizano's son) quickly affirmed that Lizano and Kaitlyn were in San Jose for the day. More than an hour later, a follow-up by PANI indicated that someone was at home, and we suspect Lizano acted to avoid contact with the Embassy and PANI. SEPTEL provides details of the visit and PANI thoughts regarding this case.

6. Ms. Holman has legal recourses in Costa Rica. However, these recourses would require a significant expenditure of time and money - perhaps several months in Costa Rica and thousands of dollars in legal fees alone. Ms. Holman has limited financial resources; she is employed part-time and is the sole provider for an infant child in Oklahoma. She has obtained some financial support from interested parties, and is willing to come to Costa Rica in order to regain custody. We have argued that Ms. Holman should not have to contest Lizano's suit - Holman is the biological mother with legal custody in the U.S., Kaitlyn has no claim to Costa Rican citizenship, the child was taken forcibly from her, she took steps to locate the child and regain physical custody, there are no grounds to declare Holman an unfit parent, and, in any event, a determination of fitness would be for a US court to decide. While the above seems reasonable, it is likely Ms Holman's presence in Costa Rica will be required at some point. We have taken steps to minimize her stay, and limit her costs (three different lawyers have agreed to take her case and charge only for

expenses).

17. The reality is this - the longer Kaitlyn remains in Costa Rica with Lizano, the more difficult it will be for Costa Rican courts to order her return to her mother. This case is a priority for us, and we will continue to push Costa Rican authorities to do the right thing both legally and morally.

FRISBIE